

**Mayor Patrick L. McCrory      Mayor Pro Tem Susan Burgess**

Michael D. Barnes  
Nancy Carter  
Warren Cooksey  
Andy Dulin  
Anthony Foxx

Patsy Kinsey  
John Lassiter  
James Mitchell, Jr.  
Edwin Peacock III  
Warren Turner

**CITY COUNCIL MEETING**  
**Monday, May 11, 2009**

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In addition to the previously advertised public hearing items, Key Businesses have asked that the time sensitive items listed below not be deferred.

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**CITY COUNCIL AGENDA**  
**Monday, May 11, 2009**

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## **4:00 P.M. BUDGET PRESENTATION MEETING CHAMBER**

## **5:00 P.M. DINNER BRIEFING CONFERENCE CENTER**

### **1. Mayor & Council Consent Item Questions**

**Resource:** Curt Walton, City Manager

**Time:** 5 minutes

#### **Synopsis**

- Mayor and Council may ask questions about Consent agenda items. Staff will address as many questions as possible at the end of the dinner meeting.

### **2. Duke Energy Overhead to Underground Utility Line Pilot Project**

**Resource:** Phillip Reiger, Transportation

**Time:** 20 minutes

#### **Synopsis**

- Duke Energy Carolinas, LLC has received approval from North Carolina Utilities Commission for a pilot program to convert overhead electric distribution facilities to underground for a three-year term effective December 2008. Duke will partner and share conversion costs with up to three North Carolina municipalities.
- As presented to and approved by Council at the March 23, 2009 Dinner Briefing, the City has informed Duke of the City's interest in the pilot program. City staff has begun to identify eligible projects. To-date, the following list of potential projects have been identified:
  - North Tryon between Dalton and 30<sup>th</sup> Street
  - Beatties Ford Road between Interstate 77 and Brookshire (Johnson & Wales to Johnson C. Smith)
- Rationale for the potential project includes:
  - All of the projects are in alignment with Duke's pilot program criteria to improve system safety.
  - All of the projects are within the City's Business Corridor geography.
  - Infrastructure improvements within all of the project areas would be consistent with City's business corridor strategies.
  - All of the projects are currently eligible for funding in the upcoming City Budget via the proposed Capital Investment Plan (CIP) and/or the Business Corridor Revitalization Program.

#### **Future Action**

- City staff has been asked by Duke Energy to submit a brief summary of one to three potential ideas that the City would envision pursuing if

chosen for the pilot. Requested information includes the availability of funding, the manner in which conversion of other utilities and property owners to underground services will be accomplished, and the probable timeline to start the project.

- On June 1, 2009, Duke will select up to three municipalities and submit notifications shortly thereafter.

#### **Attachment 1**

Duke Energy April 27 letter

### **3. Public Art Work Plan**

**Resources:** Robert Bush, Arts & Science Council  
Jean Greer, Arts & Science Council

**Time:** 30 minutes

#### **Synopsis**

- City Council approved the current Public Art Ordinance on May 27, 2003.
- On June 9, 2008, City Council approved renewal of the annual agreement with the Arts & Science Council and the Public Art Commission for administration of the Public Art Program.
- At the April 15, 2009 Council Budget Retreat, City staff presented the Draft Capital Investment Plan, including eligible Public Art Projects and the proposed funding categories from the pooling of funds.
- The FY2010 Draft Public Art Allocation is as follows:
  - Business Corridors = \$67,600
  - City Facilities = \$42,000
  - Aviation = \$448,750
- The attached work plan presentation provides a description of the artwork completed, obtained or commenced in FY2009.

#### **Future Action**

On June 8, 2009, City Council will be asked to approve the FY2010 Public Art Work Plan and the annual agreement with the Arts & Science Council – Charlotte Mecklenburg, Inc. and the Public Art Commission for administration of the Public Art Program.

#### **Attachment 2**

Work Plan Presentation

### **4. Answers to Mayor and Council Consent Item Questions**

**Resource:** Curt Walton, City Manager

**Time:** 10 minutes

#### **Synopsis**

- Staff response to questions from the beginning of the dinner meeting.

## **7:00 P.M. AWARDS AND RECOGNITIONS MEETING CHAMBER**

### **5. Presentation of City Employee of the Year Award by the Employers Association**

**Action:** Mayor to recognize Kenny Colbert, President of the Employers Association, to present the annual City of Charlotte Employee of the Year Award. This year, the private sector recognition is being presented to Christina Murphy-Booth, a Paralegal in the City Attorney's Office – Risk Management Division.

### **6. Recognition of the City's Green Efforts by the Charlotte Business Journal Green Awards**

**Action:** Mayor to recognize the City of Charlotte winners and finalists for the Second Annual Charlotte Business Journal's Green Awards:

- **Government Leader of the Year: David Miller, Energy Manager, Engineering and Property Management; Finalist: Doug Bean, Key Business Executive, Charlotte-Mecklenburg Utilities**
- **Government Action Program: Winner – Charlotte-Douglas International Airport, represented by Jerry Orr, KBE; Finalist – Charlotte-Mecklenburg Utilities, represented by Doug Bean**

### **7. Do the Right Thing, Charlotte-Mecklenburg Award Presentation**

**Action:** Mayor to recognize David Diberardino as the yearly, Dr. Andrew "Sam" P. Haywood Award winner. David is a 17-year-old senior at Ardrey Kell High School where in September 2008 he quickly responded when a classmate was hurt in physical education class. David knew what to do because of training he received as a member of JROTC and his quick thinking may have saved his classmate's life.

## **CONSENT**

- 8. Consent agenda items 23 through 46 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

## PUBLIC HEARING

### 9. Public Hearing on a Resolution to Close a 10-foot Alleyway off of Dotger Avenue

- Action:**
- A. Conduct a public hearing to abandon a 10-foot alleyway running off of Dotger Avenue, and**
  - B. Adopt a resolution to close contingent upon staff's recommended agreement and plan approval within one year.**

**Staff Resources:** Jeff McSwain, Transportation  
Linda Poissant, Transportation

**Policy:**

To abandon right-of-way that is no longer needed for public use

**Explanation**

- The 10-foot alleyway was petitioned for abandonment by One Randolph Place for the purpose of constructing a by-right multifamily project.
- At the March 23, 2009 public hearing, the Council voted to continue the public hearing in order to notify the Elizabeth Community Association of the abandonment petition.
- On April 3, 2009, City staff met with the Elizabeth Community Association, petitioner and adjoining owners to discuss the proposed abandonment of the alleyway. The Elizabeth Community requested that the Public Hearing be continued until after their April 20<sup>th</sup> community meeting in order to discuss the proposed development.
- The Elizabeth Community Association held their neighborhood meeting on April 20<sup>th</sup> with the petitioner and adjoining owners. The association opposes the abandonment for the following reasons:
  - Does not benefit the Elizabeth Community because proposed plans do not provide enough design detail.
  - The petitioner/developer, Mr. Avery, has not provided documentation as to his ability to complete the project as requested.
  - The petitioner/developer did not provide a written commitment to bury all overhead utilities as requested.
- The adjoining property owners, Mr. Huffman and Mrs. Gilbert, continue to object to the abandonment of the alleyway.
- If City Council adopts a Resolution to Close the 10-foot alleyway, City staff recommends that the abandonment be contingent upon an agreement being signed by both Mr. Huffman and Mr. Avery showing Mr. Huffman obtaining seven feet of the 10-foot alleyway and the petitioner/developer receiving plan approval from the Charlotte-Mecklenburg Planning Commission within one year of City Council approval.

**Background**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- A Council decision to abandon removes land from public right-of-way status and attaches it to the adjacent property.

- City staff has circulated the abandonment petition to internal City departments, abutting owners, utility companies and neighborhood associations within ½ mile radius for comments.

**Petitioner**

One Randolph Place, LLC – Mr. Darrell Avery

**Right-of-Way to be abandoned**

A 10-foot alleyway running off of Dotger Avenue

**Location**

Located in the Elizabeth Community beginning from Dotger Avenue continuing approximately 390 feet northwestwardly to its terminus

**Reason**

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of a proposed multifamily project

**Notification**

In accordance with City Policy, the Charlotte Department of Transportation sent information about the abandonment petition to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners

Dessie Gilbert – Objects

Gregory Chad Huffman - Objects

Neighborhood/Business Associations

Elizabeth Community Association – Objects

Briar Creek-Commonwealth – No objection

Chantilly NA – No objection

Commonwealth Morningside NA – No objection

Commonwealth Park – No objection

Crescent Heights Neigh. Assoc. – No objection

Dwyer Solutions – No objection

Eastover Resident's Assoc. – No objection

Grier Heights Economic Foundation – No objection

Grier Heights Neighborhood Improvement Assoc. – No objection

Myers Park HOA, Inc. – No objection

Sedgewood Circle/Meadowbrook – No objection

Sedgewood Lake Drive HOA – No objection

Wendover Hills HOA – No objection

Private Utility Companies – No objectionCity Departments

Review by City departments identified no apparent reason this closing would:

- Be contrary to the public interest
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes

**Attachment 3**

Map

Resolution

## 10. Public Hearing on Certificates of Participation Debt Financing

**Action:**

**A. Hold a public hearing on an installment financing contract to finance the City's acquisition of certain equipment and capital projects, and**

**B. Adopt a resolution which calls for the execution and delivery of various documents necessary to complete the sale of the Certificates of Participation to be executed and delivered in connection with the financing.**

**Staff Resources:** Greg Gaskins, Finance  
Joel Levy, Finance

### Explanation

- On April 27, 2009, the City Council approved the first of two resolutions necessary to execute and deliver Certificates of Participation (COPs) in order to finance certain capital and equipment projects previously authorized by the City Council as part of the City's Capital Improvement Plan process. This series of COPs will be designated the 2009A COPs and will be the first of three series of COPs executed and delivered in June to finance various City projects. The 2009A COPs will finance projects and equipment for which the Budget Office has previously appropriated funds such as police vehicles, fire stations, a police station and communication equipment.
- The April 27 resolution called for a public hearing to be held on May 11, 2009 on the installment financing contract (Contract) to be delivered in connection with the acquisition of the equipment and the projects. The City published notice of the public hearing on May 1, 2009.
- After the Council has conducted the public hearing on the Contract, this second and final action will approve the form, content, execution and delivery of the documents to be delivered in connection with the 2009A COPs financing.
- The 2009A COPs will be sold to investors to raise the capital needed to purchase the equipment and the projects. Under the Contract, the City will repay the purchase price of the equipment and the projects in installments of principal and interest over time, and the owners of the 2009A COPs will be entitled to receive a portion of the City's installment payments.
- The City's obligation to repay the purchase price to the investors will be secured by a lien on the police station and one or more fire stations being financed and a security interest in the equipment being financed.
- A FY2010 financing spreadsheet is attached.

### Funding

Municipal Debt Service Fund

### Attachment 4

Spreadsheet  
Resolution

## POLICY

### 11. City Manager's Report

### 12. Mayoral Veto of Application of Afro American Cultural Center Sales Proceeds



**Action:** Consider a vote on the Mayor's veto of:

- A. Approving the Housing & Neighborhood Development Committee recommendation for the sale of the Afro American Cultural Center property with the following provision:**
  - The \$590,000 sales proceeds shall be applied to the Harvey B. Gantt Center for African-American Arts + Culture Endowment Campaign funding,
- B. Adopting a budget ordinance appropriating the \$590,000, and**
- C. Authorizing the City Manager to execute a contract with the Arts and Science Council for the use of these funds.**

**Committee Chair:** Susan Burgess

**Staff Resources:** Ron Kimble, City Manager's Office  
Catherine Williamson, City Attorney's Office

#### Explanation

- At its meeting on April 27, City Council unanimously approved the sale of the Afro American Cultural Center site to Little Rock AME Zion Church for \$590,000.
- The action to approve the application of the sales proceeds to the Harvey B. Gantt Center for African-American Arts + Culture Endowment Campaign passed by a 9-2 vote.
- The Mayor vetoed this action.
- By law, the veto was scheduled for the next official meeting of Council, May 4.
- At the May 4 Workshop, Council deferred action on this item until May 11.
- Staff's additional research on this item will be sent in the Friday, May 8 Council-Manager Memo.

**Attachment 5**  
Budget Ordinance

### 13. Congestion Relief and Intermodal Transportation 21<sup>st</sup> Century Fund Legislative Act

**Action:** Consider the Governmental Affairs Committee (GAC) recommendation to amend HB148, the Congestion Relief and Intermodal Transportation 21<sup>st</sup> Century Fund Legislative Act.

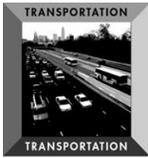
**Committee Chair:** Patsy Kinsey

**Staff Resources:** Boyd Cauble, City Manager's Office  
Keith Parker, Transit  
Bob Hagemann, City Attorney's Office  
Ron Kimble, City Manager's Office

#### Explanation

- At their Budget Retreat meeting on April 15, 2009, City Council referred HB148 to the Governmental Affairs Committee for a recommendation on whether or not to amend the bill on Charlotte's behalf.
- City Council asked that GAC's review be done quickly and that this item return to Council's agenda as soon as possible.
- In short, as currently written, HB148 allows the urban areas of the Triad and the Triangle to have the same access as Charlotte to a set of prescribed revenue sources for transit and allows contiguous counties in each of those urban areas to be able to access a new ¼¢ local option for sales tax for transit purposes.
- The GAC met on Friday, April 24 and voted to recommend the following: that Mecklenburg County be included in HB148 language to authorize an additional ½¢ sales tax for transit, to be approved by the voters. The motion passed unanimously (Kinsey, Burgess, Dulin and Lassiter).
- The GAC discussion centered upon:
  - The need to use this unique window of opportunity created by HB148 to seek authorization now for additional dollars allocated to transit, and
  - To do it in a manner that most closely mirrors the language and intent of the current HB148 now moving to the Senate for consideration
- City Council deferred action on this item at their April 27 meeting, and asked for it to be placed on the May 4 Council Workshop.
- The Governmental Affairs Committee met at 4:00 p.m. on May 4 to further discuss this issue.
- At the May 4 Workshop, Council deferred action on this item until May 11.

## 14. FY2010 Transit Operating Budget and FY2010-FY2014 Transit Capital Investment Plan



**Action:** Approve the FY2010 Transit Operating Program and the FY2010-2014 Transit Capital Investment Plan, which were approved by the Metropolitan Transit Commission on April 22, 2009.

**Commission Chair:** Mayor Pat McCrory

**Staff Resources:** Keith Parker, Transit  
Dee Pereira, Transit

### Policy

- The Transit Governance Interlocal Agreement calls for the Metropolitan Transit Commission (MTC) to annually approve a Transit Operating Program and a Transit Capital Program. Following the MTC's approval, the Transit Operating and Capital Programs are forwarded to the Charlotte City Council for approval. Upon approval, the Charlotte City Council shall fund the programs through its budget process and/or project ordinances.

### Explanation

- On April 22, 2009, the MTC approved the CATS FY2010 Transit Operating Program and the FY2010-2014 Transit Capital Investment Plan. By MTC resolution 2009-07, the MTC directed CATS Chief Executive Officer to present their recommended Transit Operating and Capital Programs to the Charlotte City Council for approval and inclusion in the City budget.
- The proposed expenditures for FY2010 total \$189,492,656, of which \$110,867,771 is allocated for operating programs, \$3,600,000 is allocated for operating reserve, \$59,339,753 for capital programs and \$15,685,132 for debt service costs.
- The MTC Transit Capital Program for FY2010 includes \$20,766,306 of revenue and cost associated with funds from the American Recovery and Reinvestment Act of 2009. Staff recommends to not include these funds in the City's proposed budget for FY2010, but to appropriate these funds by special budget ordinance upon grant award. Therefore, the capital budget to be considered by City Council will be reduced by \$20,766,306 from the budget of \$80,106,059 approved by the MTC.
- The attachments provide detailed information on the proposed operating and capital programs that were approved by the MTC.
- FY2010 Transit Program Highlights include:
  - FY2010 sales tax is projected at \$13.2 million lower than FY2009 adopted budget
  - 90,000 hour reduction in bus and rail services versus FY2009 adopted Budget
  - Freeze on some authorized City positions and a reduction of 33 contract positions in the bus operations
  - Advancement of the 2030 Transit Corridor Plan
  - Design and/or construction of transit facilities and amenities
  - Replacement of revenue generating vehicles

**Community Input**

- The Citizens Transit Advisory Group reviewed the FY2010 Transit Operating Program and the FY2010-2014 Capital Investment Plan and recommended adoption by the MTC.
- The Transit Services Advisory Committee received a presentation on the proposed programs.
- The MTC approved the FY2010 Transit Operating Program and the FY2010-14 Capital Investment Plan on April 22, 2009.

**Council Review**

- The FY2010 Transit Operating Program and the FY2010-2014 Transit Capital Investment Plan were presented to Charlotte City Council at the March 4, 2009 Council Budget Retreat.

**Funding**

Transit Fund; Federal and State Grants; Debt Financing

**Attachment 6**

MTC Resolution # 2009-07

FY2010 Transit Program Summary

FY2010 Financial Policy Performance Indicators

FY2010 Transit Service (Operations)

FY2010 Transit Staffing Level

FY2010 Transit Operating Program Detail

FY2010 Program Level Changes

FY2010-2014 Debt Service Schedule

FY2010-2014 Transit Capital Program Summary

**15. City Manager's Evaluation**

**Action: Approve the recommendations of the Restructuring Government Committee to make the following changes to the City Manager's Evaluation Process:**

- 1. Use a simplified survey that can be taken electronically,**
- 2. Amend the City Council calendar to conduct the City Manager's Evaluation in September of each year, rather than July. This would be on September 14 and 21, 2009 from 3-5 p.m. in CH14; and**
- 3. Use the consultant to facilitate only the first of the two evaluation meetings.**

**Committee Chair:** James Mitchell

**Staff Resources:** Tim Mayes, Human Resources  
Eric Campbell, City Manager's Office

**Explanation**

- At the October 3, 2008 City Council workshop, Council referred a review of the City Manager's evaluation process to the Restructuring Government Committee in an effort to improve the evaluation process.
- After consultation with the City Manager and Human Resources, the Restructuring Government Committee met on April 22 to consider changes to the City Manager's evaluation process and voted unanimously for the recommended changes (Cooksey, Kinsey, Peacock).

- The Committee recommends using a simplified survey that can be completed electronically. A hard copy of the survey can be provided to Council members upon request.
- The City Manager will be evaluated on five criteria:
  - Runs the Business
  - Builds the Community
  - Looks to the Future
  - Promotes Management Values
  - Develops People
- The survey provides a rating scale of 1-10 (1=low satisfaction and 10=high satisfaction).
- The survey provides an opportunity to provide detailed comments under each of the criteria.
- The survey will also provide an opportunity for additional comments that may not be addressed within the five evaluation criteria.
- Responses to the survey are confidential.
- The Committee recommends revising the City Council calendar to conduct the City Manager's Evaluation in September of each year, rather than July. This would be accomplished in two sessions rather than three (the second and third Mondays in September from 3-5 p.m.). This is a more convenient time of year for City Council to meet and also allows the provision of year-end performance data.
- The Committee also recommends that a consultant continue to be used, but only for the first of the two evaluation meetings. The consultant will be provided the results of the electronic survey to discuss with the Mayor and Council, facilitate Mayor and Council discussion, and compile a summary of the comments for the Mayor, Council and City Manager prior to the second meeting.
- The Committee also requested that the City Attorney's performance evaluation follow a similar process and format. The City Attorney's evaluation will remain on the fourth Monday in August.

**Attachment 7**

Evaluation Format

## BUSINESS

### 16. Homeless Prevention and Rapid Re-Housing Program



**Action: Approve the Homeless Prevention and Rapid Re-Housing Program and the submission of the Substantial Amendment to the U.S. Department of Housing and Urban Development.**

**Staff Resource:** Stan Wilson, Neighborhood & Business Services

#### Policy

- The U.S. Department of Housing and Urban Development (HUD) established the Homelessness Prevention and Rapid Re-Housing Program (HPRP), under Title XII of the American Recovery and Reinvestment Act of 2009 (Recovery Act).

#### Explanation

- On April 27, City Council held a public hearing on The Homeless Prevention and Rapid Re-Housing Program (HPRP).
- The HPRP is part of the American Recovery and Reinvestment Act of 2009. Based on HUD's formula allocation, the City of Charlotte has been allocated \$1,930,217 from this source of stimulus funds.
- In order to receive the funds, the City must submit a Substantial Amendment to the 2009 Consolidated Action Plan by May 18, 2009.
- The Substantial Amendment answers key questions from HUD on the City's HPRP Program and serves as the City's application for funding.
- The City's role is to administer the local program by distributing and monitoring funds.
- The HPRP focuses on housing for the homeless and at-risk households earning 50% or less than the area median income. The funds under the HPRP are intended to serve two populations of persons facing housing instability:
  - Individuals and families who are experiencing homelessness (residing in emergency or transitional shelters or on the street) and need temporary assistance in order to obtain housing and retain it (rapid re-housing), or;
  - Individuals and families who are currently in housing but are at risk of becoming homeless (prevention)
- HUD requires collaboration with the Continuum of Care (COC) agencies for the City of Charlotte. This group is represented by the Homeless Services Network (HSN).
- Based on collaboration with the Homeless Services Network, the recommended three year budget for use of the Homeless Prevention and Rapid Re-housing program funds is as follows:
 

– Rapid Re-housing	\$ 900,217	46%
– Case Management	\$ 675,000	35%
– Homeless Prevention	\$ 245,000	13%
– Data Collection	\$ 20,000	1%
– Monitoring and Reporting for HSN Agencies	\$ 90,000	5%
Total	\$1,930,217	100%
- Based on the proposed budget, it is anticipated that approximately 263 households will receive assistance through the HPRP. The Rapid Re-housing program will provide financial assistance to approximately 100

households (\$9,000/household) and the homeless prevention program will serve approximately 163 households (\$1,500/household).

- Funds will be used to provide temporary financial assistance such as short and mid-term rental assistance, utility payments, moving costs, and housing relocation and stabilization services.
- The HPRP supports two goals of the Ten Year Plan to End Homelessness, which include:
  - Getting homeless families and individuals into safe appropriate housing as soon as possible, and
  - Promoting housing stability for families and individuals most at risk of becoming homeless
- All program participants, at a minimum, must receive an initial assessment with a case manager. Case management (develop individualized service and housing plans, coordinate services such as medical and mental health, substance abuse, housing assistance, completing applications, budgeting, credit repair, legal and employment assistance) will be made available throughout the term of the rapid re-housing assistance to help families move from this temporary assistance program to a stable situation.

**Community Input**

- HUD published the program guidelines on March 18, 2009, however staff began meeting with the Homeless Services Network agencies on March 5, 2009 to develop Charlotte’s HPRP. Additionally, the N.C. Coalition to End Homelessness sponsored a Leadership Planning Summit focused on the HPRP. Eight planning sessions were conducted locally and agencies participating in the sessions include:

<b>Agencies</b>		
A Way Home	HomeAid	Regional HIV/AIDS Consortium
Area Mental Health	Homeless Helping Homeless	Salvation Army
Carolina’s Medical Center - Access Program	Legal Aid of NC	St. Peter’s Home
Charlotte Emergency Housing	Legal Service -Southern Piedmont	To Serve With Love
Community Link	Mecklenburg County & DSS	Uptown Shelter
Crisis Assistance Ministry	NeXus	Urban Ministry
Family Promise of Charlotte	Parker’s House	Workforce Initiative for Supportive Housing (W.I.S.H)

- A Public Hearing was held on April 27, 2009 and there were no citizen comments. In accordance with the City’s Citizen Participation Plan, the substantial amendment was advertised and made available to the public for comment at the following locations: Beatties Ford Road Library, Charlotte-Mecklenburg Main Library, West Boulevard Library, Amay James Recreation Center, Belmont Regional Center, Greenville Recreational Center, Charlotte Housing Authority, Neighborhood & Business Services Key Business Unit (KBU) and on the KBU’s website.

**Next Steps**

- The Substantial Amendment will be submitted to HUD on May 13, 2009.
- HUD approval of the Substantial Amendment (no later than July 2, 2009)

- City Council approval of agency contracts (no later than August 24, 2009)
- Agencies will be selected through a Request for Proposal process.

### Funding

Funding comes from federal Homeless Prevention and Rapid Re-Housing Program funds as part of the American Recovery and Reinvestment Act of 2009

### Attachment 8

Substantial Amendment to 2009 Action Plan  
Letter of Support – Homeless Services Network

## 17. Transit Investments for Greenhouse Gas and Energy Reduction Federal Stimulus Funds



- Action:**
- A. Authorize the City Manager to submit a proposal to the Federal Transit Administration (FTA) for an amount not to exceed \$8,000,000 from the Transit Investment for Greenhouse Gas and Energy Reduction (TIGGER) program, and**
  - B. If the proposal is approved by FTA, approve application for a grant up to \$8,000,000.**

**Staff Resource:** Keith Parker, Transit

### Policy

Transportation Action Plan (Goal 5 & Objective 2.3), Focus Area Initiatives (5-under Transportation) and (3a – under Environment).

### Explanation

- On March 24, 2009, the Department of Transportation announced the availability of \$100 million in federal funding under the American Recovery and Reinvestment Act (Recovery Act) of 2009 for the Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER) program.
- TIGGER will award grants, up to 100%, to transit agencies to:
  - Reduce energy consumption of the transit agency, and/or
  - Reduce greenhouse gas emissions of the transit agency
- Proposals must be submitted to the Federal Transit Administration (FTA) by May 22, 2009
- Proposals will be screened by the FTA staff and evaluated by an FTA-lead multi-agency review team. General evaluation criteria includes:
  - Return on Investment
  - Project readiness
  - Capabilities of applicant
  - Degree of Innovation
  - National applicability
- FTA will publish the list and funding levels of selected projects (and transit agencies) in the Federal Register. The goal is to complete obligation of selected projects prior to September 30, 2009.
- In an effort to improve its competitive standing in terms of securing the grant, CATS proposal for TIGGER funds will consist of two parts:
  - CATS would seek an 80% grant share (with 20% local match) toward the purchase of up to 11 new hybrids to replace older diesel buses.

- In addition, CATS would seek a 100% grant share toward the upgrade of an upcoming order of up to 19 diesel buses to hybrid technology.
- In comparison to diesel buses, the hybrid buses will provide a 34% improvement in miles per gallon and a 41% benefit in maintenance per mile costs. Hybrids also reduce greenhouse gas emissions by 30%.
- If CATS is awarded funds from TIGGER for hybrid buses, CATS can move forward expeditiously, utilizing existing City contracts for buses previously approved by Council.
- The new bus engines would incorporate recent clean-diesel technology. As outlined in a report published by FTA, incentives that accelerate the adoption of alternative fuels and new technologies could improve air quality in metropolitan areas and reduce emissions of transit buses nationally.
- If CATS is determined to be a recipient of TIGGER funds, next steps will include a Council action for acceptance of the grant funds, appropriation of the funds, and final approval of the projects.

### Funding

Transit Capital Fund, funds will be appropriated upon grant approval by the Federal Transit Administration. Local match will come from the FY2010 CATS Budget.

## 18. Davidson Street Bus Facility Renovation Design Services Amendment



**Action:** Authorize the City Manager to negotiate Amendment #1 to the existing contract with PB Americas, Inc. (PB) to complete final design for the renovation of the North Davidson Street Bus Maintenance Facility for an amount not to exceed \$700,000.

**Staff Resource:** John Muth, Transit

**Policy:** Transportation Action Objectives (1.2.1, 1.3.3, 2.3 and 5.1.1); Focus Area Initiatives (3 & 5).

### Explanation

- The Davidson Street Bus Facility was constructed in 1980-1981. This facility requires renovations and improvements that will give CATS a second modern bus facility to complement the South Tryon Bus Facility that opened in March 2005.
- On April 27, 2009, City Council approved the submission of the Transit Capital Investment Economic Stimulus Grant application. As part of that same request, City Council approved the Phase 1 Renovation of the North Davidson Street Bus Garage as the primary project for those stimulus funds.
- On February 28, 2005, the original design contract was approved for \$950,000 for the renovation of this facility. The design work completed during that phase included:
  - Master planning
  - Programming and existing conditions surveys
  - Existing equipment inventory and analysis
  - Environmental investigation
  - Conceptual design

- The renovations will create a safer working environment for employees and bring the Davidson Street facility up to current Mecklenburg County and Americans with Disabilities Act building code standards. The design work to be completed under this amendment includes:
  - Interior and exterior renovation of the existing maintenance building
  - Interior and exterior renovation of the existing administrative building
  - Staff parking expansion
  - Campus upgrades for security and technology infrastructure
  - As part of the updated North Davidson Master plan, CATS plans to relocate Special Transportation Services from Spratt Street to the renovated facility. The redesign will incorporate office space for the future relocation of the CATS Special Transportation Services administrative section.
- Final Design is scheduled to be completed and construction work will begin during 2009 as a part of the federal stimulus package.

#### **Disadvantaged Enterprise Business Opportunity**

Established SBE Goal: 9.0%

Committed SBE Goal: 8.3%

The DBE firms participating are Case Consulting, Rohadfox Construction Control Services Corporation, and H & H Engineering.

#### **Funding**

Funds will be advanced from the existing Transit budget until federal stimulus funds are appropriated, upon grant approval by the FTA. Federal stimulus funds for transit capital assistance do not require a local match.

## **19. Traffic Signal System Communications Cable Design**



**Action: Approve a contract with CBW Communications Engineers for design and construction administration of fiber optic cable routes and traffic signal interconnections for a total amount of \$850,000.**

**Staff Resources:** Debbie Self, Transportation  
Liz Babson, Transportation

#### **Explanation**

- Fiber optic cabling and traffic signal interconnection provides the ability to remotely adjust traffic signals to instantly improve traffic flow in response to changing traffic volumes during normal and emergency conditions. Fiber optic cabling combined with traffic surveillance cameras, dynamic message signs, highway advisory radio and other traffic information devices create an Intelligent Transportation System (ITS).
- Approximately \$420,000 of this professional services contract will be reimbursed by NCDOT through a municipal agreement in relation to the American Reinvestment and Recovery Act of 2009 (Recovery Act) ITS expansion project. Future contracts related to the ITS expansion project will be reimbursed 100% up to \$4 million.
- City staff selected CBW Communications Engineers through a formal Request for Qualifications (RFQ) process to provide design, construction administration and inspection services for fiber optic cabling, traffic surveillance cameras and traffic signal interconnections.

- The contract with CBW Communications Engineers will perform the necessary work on four projects:
  - Highway 51 ITS Project: From Elizabeth Lane to Johnston Road
  - Trade/Beatties Ford ITS Project: Trade Street to Beatties Ford Road to Sunset Road to W.T. Harris Boulevard
  - University Area ITS Project: Davidson Street to Parkwood Avenue to the Plaza and North Tryon from Old Concord Road to W.T. Harris Boulevard
  - Monroe/Independence ITS Project: Monroe Road from Thermal Road to Conference Drive and segments along Independence Boulevard
- These projects are important links as identified in the ITS Master Plan to complete the communications infrastructure.
- City staff received approval from NCDOT to move forward with the CBW Communications Engineers contract prior to a fully executed municipal agreement in order to meet the schedule for Recovery Act funds.
- In the next few months, Council will be asked to approve the Recovery Act ITS expansion project municipal agreement and a budget ordinance appropriating \$4 million in Recovery Act funds.

#### **Small Business Opportunity**

Contracts following state and federal requirements are exempt (Part A Section 23.5 of the SBO Policy). This consultant will comply with federal DBE requirements.

#### **Funding**

Recovery Act, Transportation Capital Investment Plan and CDOT Operating Budget

## **20. Professional Services Contract for Fire Station 41 at Eastland Mall**



**Action: A. Adopt a resolution exempting Fire Station 41 from the provisions of North Carolina General Statute 143-64.31 for the procurement of professional services for the development of the fire station and the related infrastructure, and**

**B. Authorize the City Manager to negotiate a contract with ADW Architects, P.A. in an amount not to exceed \$230,000 for design services.**

**Staff Resources:** William Haas, Engineering & Property Management  
Rich Granger, Fire

#### **A. Resolution Exempting Fire Station 41 from Professional Service selection**

- State statute requires local governments to select firms that provide engineering, architectural or construction management services on the basis of qualifications, instead of pricing bids, through a formal selection process.
- City Council adopted a formal selection procedure for projects where the total fee exceeds \$30,000 but the statute allows the local government board to exempt projects at their sole discretion.
- An exemption is established through the adoption of a resolution that outlines the reasons for the exemption.

- The reasons an exemption is recommended in this case are:
  - The City anticipates that Fire Station 41 at Eastland Mall will be a candidate to receive Federal funding through the American Recovery and Reinvestment Act (Recovery Act).
  - Application guidelines for fire station funding are expected to be published on May 30, 2009.
  - Similar to other stimulus application deadlines, staff expects the fire station request for funding will be short.
  - The City may be eligible to receive up to \$5 million in stimulus funds per fire station project (\$15 million maximum per jurisdiction) for Fire Department-related capital expenses.
  - Staff anticipates the City must begin construction more quickly than typical in order to comply with funding guidelines.
- Approval of this resolution would allow staff to select an architectural firm and geotechnical consultant without the normal Request for Qualifications process. This best positions the City to compete for stimulus funding.

#### **B. Approve a design services contract with ADW Architects**

- Subject to approval of the exemption, the architectural firm of ADW Architects, P.A. was selected by the staff team as possessing the most current fire station design experience and being most familiar with fire station design guidelines.
- ADW Architects designed Fire Stations 39 and 40. They will use these stations as the basis of design for Fire Station 41, which will shorten the time to produce final design plans.
- Federal guidelines require consultants to be selected through a competitive process. Since ADW Architects was selected without a competitive process for this project, staff does not anticipate the design contract will be eligible for federal funding. Also, it is likely that stimulus guidelines will not allow design fees to be eligible for federal funding. Instead, staff recommends the contract be funded through the current Capital Improvement Project (CIP) funding for Fire Station 41.
- Fire station design may begin without knowing the site on which the facility will be built.
- In accordance with current policy, the City Council will be asked to award any future construction or professional services contracts that exceed \$100,000.
- Should City Council not approve the exemption for Fire Station 41, staff will proceed with the selection of an architect through the Council approved selection process. Using typical selection, design and bidding durations, staff would anticipate construction could begin in the summer of 2010. It is likely the guidelines for stimulus funding will require construction to begin prior to that time.

#### **Small Business Opportunity**

For Service based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). An SBE goal will be negotiated with ADW during contract negotiations and be approved by the Small Business Office.

#### **Funding**

Government Facilities Capital Investment Plan

#### **Attachment 9**

Resolution of Exemption

## 21. Nominations to Boards and Commissions

**Action: Nominate citizens to serve as specified.**

### A. HOUSING APPEALS BOARD

- One appointment for an unexpired term for a representative of the housing industry beginning immediately and ending December 31, 2010.
  - Carl Adam Barrington III resigned.

### Attachment 10

Applications

## 22. Mayor and Council Topics

Council members may share information and raise topics for discussion.

## 23. Closed Session

**Action: Adopt a motion pursuant to NCGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling of the claim filed by citizen Robert Parker with reference to an accident which occurred on July 17, 2006.**



## Introduction to CONSENT

The consent portion of the agenda is divided into three sections: Previously Delayed Capital Projects, Consent I and Consent II.

Consent I consists of routine items that have been approved in the budget, are low bid and comply with Small Business Opportunity Program Policy.

Consent II consists of routine items that have also been approved in the budget, but require additional explanation.

The City's Small Business Opportunity (SBO) Program's purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts recommended for award as of March 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization. Professional service contracts recommended for award as of August 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization.

Disadvantaged Business Enterprise (DBE) is a federal program primarily used for Aviation and Transit.

### Contractors and Consultants

All contractor and consultant selections follow the Council approved process unless described otherwise. For the procurement of professional services and/or engineering architectural and surveying services, the North Carolina General Statutes 143-64.31 requires that units of government "select firms qualified to provide such services on the basis of demonstrated competence and qualification...without regard to fee other than unit price information, and therefore to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm."

## CONSENT I

### 24. Various Bids

#### A. Airport Baggage Level Restroom Renovations Aviation

**Staff Resource:** Jerry Orr, Aviation

**Action**

Award the low bid of \$388,000 by Edison Foard, Inc. for restroom renovations at the Airport. The Airport began phasing in restroom renovations back in June of 2007. This contract will continue the renovation project with four restrooms located in the public area of the baggage claim. The new design will provide for total reconstruction of the facilities to improve accessibility, layout traffic flow lighting and appearance, and also accommodate the use of restroom attendants for improved customer service.

**Small Business Opportunity**

Established SBE Goal: 6%

Committed SBE Goal: 0%

Edison Foard, Inc. failed to meet the SBE goal, but earned the required number of Good Faith Effort (GFE) points, thereby complying with the SBO Policy. Edison Foard achieved 170 GFE points out of the minimum 155 GFE points.

#### B. Fire Uniforms Fire

**Staff Resource:** Rich Granger, Fire Department

**Action**

Award a low bid unit price contract for Non-Dress Uniforms to New Age Marketing Group of Farmingdale, NY for the term of one year and authorize the City Manager to renew up to four, one year options with possible price adjustments at the time of renewal as authorized by the contract. Annual expenditures will be approximately \$300,000. The attachment shows the unit prices.

**Small Business Opportunity**

No SBE goals are established for purchases of goods and equipment due to limited opportunities for subcontracting (Appendix Section 18 of the SBO Policy).

**Attachment 11**

Unit Prices

#### C. Signal Installation on the NCDOT – Providence Road Widening Project CDOT

**Staff Resource:** Bryan Tarlton, Transportation

**Action**

Award the low bid of \$254,943.67 to Bryant Electric Repair & Construction Inc. for traffic signal installation. The project includes

three traffic signals on Providence Road at the following intersections: Ardrey Kell, Country Club Drive and Belicourt Drive. The NCDOT will reimburse the City for this expense.

**Small Business Opportunity**

Contracts following state and federal requirements are exempt (Part A Section 23.5 of the SBO Policy). This project is part of a NCDOT municipal agreement.

**D.     Huntersville Elevated Water Storage Tank                     Utilities Rehabilitation**

**Staff Resource:** Doug Bean, Utilities

**Action**

Award the low bid of \$867,850 to Utility Service Company for rehabilitation of the Huntersville elevated water storage tank. This contract provides for sand blasting to remove rust and lead coatings, structural repairs and modifications to bring the tank into OSHA structural compliance, and recoating of the entire tank.

**Small Business Opportunity**

No SBE goal was set for this contract because subcontracting opportunities are not anticipated (Part C: Section 2.4 of the SBO Policy).

**25.   Resolution of Intent to Abandon a Residual Portion of 28<sup>th</sup> Street**

**Action:   A.   Adopt the Resolution of Intent to abandon a residual portion of 28<sup>th</sup> Street, and**

**B.   Set a public hearing for June 8, 2009.**

**Staff Resource:** Linda Poissant, Transportation

**Attachment 12**

Map  
Resolution

## CONSENT II

### 26. Certificates of Participation Debt Financing for Convention Center Facilities

**Action: Adopt a resolution that does the following:**

- 1. Make findings necessary for the Local Government Commission's approval of an amendment to an installment purchase contract to finance the completion of certain Convention Center facilities, and**
- 2. Approve the form, content, execution and delivery of various documents necessary to complete the sale of the Certificates of Participation to be executed and delivered in connection with the financing.**

**Staff Resources:** Greg Gaskins, Finance  
Joel Levy, Finance

#### **Explanation**

- The City previously entered into an Amended and Restated Installment Purchase Contract dated August 1, 1993, as previously amended (1993 Contract), in order to finance, in part, the acquisition of the City's new Convention Center.
- The City will enter into an amendment to the 1993 Contract (Amendment) in order to finance the acquisition and completion of a portion of the Convention Center project financed with the proceeds of the 1993 Contract and other related financings, including a ballroom located in the adjacent NASCAR Hall of Fame facility, a pedestrian bridge connecting the Convention Center to the NASCAR Hall of Fame facility, and related light rail improvements (2009 Convention Center Projects). This series of Certificates of Participation (COPs) will be designated the 2009B COPs and will be the second of three series of COPs executed and delivered in June to finance various City projects.
- This resolution will:
  - Make certain findings necessary for the Local Government Commission's approval of the Amendment and the related financing and
  - Approve the form, content, execution and delivery of the documents to be delivered in connection with the 2009B COPs financing.
- The 2009B COPs will be sold to investors to raise the capital needed to acquire and complete the 2009 Convention Center Projects. Under the 1993 Contract, as amended by the Amendment, the City will repay the purchase price of the 2009 Convention Center Projects in installments of principal and interest over time, and the owners of the 2009B COPs will be entitled to receive a portion of the City's installment payments.
- The City will pledge no new collateral in connection with 2009B COPs. The City's obligation to repay to the investors the purchase price of the 2009 Convention Center Projects will be secured by the existing collateral for the 1993 Contract.

#### **Funding**

Municipal Debt Service Fund

#### **Attachment 13**

Resolution

## 27. Certificates of Participation Debt Financing for NASCAR Hall of Fame Facilities

**Action: Adopt a resolution that does the following:**

- 1. Make findings necessary for the Local Government Commission's approval of an amendment to an installment purchase contract to finance and refinance certain projects related to the NASCAR Hall of Fame; and**
- 2. Approve the form, content, execution and delivery of various documents necessary to complete the sale of the Certificates of Participation to be executed and delivered in connection with the financing.**

**Staff Resources:** Greg Gaskins, Finance  
Joel Levy, Finance

### **Explanation**

- The City previously entered into an Installment Purchase Contract dated February 1, 2007 (2007 Contract) in order to finance various projects related to the NASCAR Hall of Fame facility (NASCAR Projects).
- The City will enter into an amendment to the 2007 Contract (Amendment) in order to:
  - Refinance a portion of taxable Certificates of Participation (COPs) executed and delivered in 2007 to finance the NASCAR Projects and
  - Finance additional costs related to the NASCAR Projects
- This series of COPs will be designated the 2009C COPs and will be the third of three series of COPs executed and delivered in June to finance various City projects.
- This resolution will:
  - Make certain findings necessary for the Local Government Commission's approval of the Amendment and the related financing and
  - Approve the form, content, execution and delivery of the documents to be delivered in connection with the 2009C COPs financing.
- The 2009C COPs will be sold to investors to raise the capital needed to refinance and finance the NASCAR Projects. Under the 2007 Contract, as amended by the Amendment, the City will repay the purchase price of the NASCAR Projects in installments of principal and interest over time, and the owners of the 2009C COPs will be entitled to receive a portion of the City's installment payments.
- The City will pledge no new collateral in connection with 2009C COPs. The City's obligation to repay to the investors the purchase price of the NASCAR Projects will be secured by the existing collateral for the 2007 Contract.

### **Funding**

Municipal Debt Service Fund

### **Attachment 14**

Resolution

## 28. 2009 Assistance to Firefighters Grant

**Action: Approve the Fire Department's application for grant funding totaling \$1.4 million from the U.S. Department of Homeland Security to provide a station alerting system, Opticom traffic signal pre-emption devices, permanent air fill stations and to install sprinkler systems into two Fire stations.**

**Staff Resource:** Rich Granger, Fire

### Explanation

- The Charlotte Fire Department annually submits an application for the Assistance to Firefighters Grant. This is a competitive grant process and grant award decisions will be made in several months.
- The Charlotte Fire Department may apply for up to \$1.4 million from the Assistance to Firefighters Grant. The Assistance to Firefighters Grant would provide \$1.4 million, or 80%, of the funding for these purchases. An additional \$350,000, or 20%, is the local matching requirement, which would be funded from the capital budget.
- If the grant is awarded, City Council action will be necessary to accept and appropriate the grant.
- In the 2009 grant application, funding is requested for the following items:
  - Station alerting system: The current alerting system has reached its end of service life. Parts and equipment are no longer available, thus requiring a total replacement. The station alerting system is critical, since it visually and audibly notifies fire companies when they need to respond to a call.
  - Opticom traffic signal pre-emption devices: These devices are used to control the traffic lights when an emergency vehicle is approaching. By changing all of the lights at an intersection to red, Fire trucks can safely navigate through the intersection during an emergency response. The signalization will return to its normal sequence once the emergency vehicle has passed through the intersection.
  - Permanent air fill stations: Air fill stations are used to refill air bottles that are used by firefighters during a fire. These fill stations will be placed in outlying fire stations, eliminating the need for fire companies to drive to Fire Logistics to refill their air bottles. This change will increase the amount of time that companies remain in-service and available in their area.
  - Fire protection sprinkler systems: Installing sprinkler systems into fire stations is now required. Stations 4 & 5 are the last of the two-story facilities that do not have sprinkler systems. Station 4 is located at 525 N. Church Street. Station 5 is located at 224 Wesley Heights Way. Installing these systems will better protect the firefighters in these stations since their sleeping quarters are located directly above the apparatus floor where, historically, most station fires tend to occur.

### Funding

2009 Assistance to Firefighters Grant awarded by U.S. Department of Homeland Security and Government Facilities Capital Investment Plan

## 29. Donation of Unclaimed Bicycles to Trips for Kids-Charlotte

**Action: Adopt a standing resolution approving the periodic donation of unclaimed bicycles left on CATS property to the Trips for Kids-Charlotte organization.**

**Staff Resource:** Olaf Kinard, Transit

### **CATS Lost & Found Procedure**

- Approximately 85,000 weekday trips occur on CATS services across the Charlotte region.
- Most CATS vehicles, stations, transit centers, and park-n-ride lots have devices to accommodate bicycles and the temporary storage of bicycles.
- Approximately 30 to 50 bicycles each year are left on CATS vehicles or at facilities and are never claimed by the owner.
- CATS has an established Lost and Found procedure that manages such property. The key points of that procedure are:
  - Owners have at least 30 days to reclaim lost property.
  - Lost property is kept at the CATS Lost and Found in the Charlotte Transportation Center and may be reclaimed Monday-Friday 8:00 am – 5:00 pm.
  - CATS maintains records for all lost property.
- CATS has signage posted on public transit vehicles, at transit centers, bike racks and lockers, website, printed literature and at other high customer traffic areas indicating how customers can reclaim lost personal property, and that after 30 days, unclaimed property legally becomes the property of the City.
- Pursuant to North Carolina General Statute 160A-279 (a), CATS seeks approval to donate, on a monthly basis, any or all unclaimed bicycles to a local non-profit corporation, which is a chapter of the national organization, Trips for Kids.
- CATS consulted with the City of Charlotte's Bike Manager on organizations that would be good candidates for recycling unclaimed bicycles back into the community.

### **Trips for Kids-Charlotte Background**

- The Trips for Kids-Charlotte chapter is a 501 (c)(3) non-profit corporation, which is affiliated with the national chapter of Trips for Kids.
- Its primary public purpose is to combine lessons in personal responsibility, self-empowerment, achievement, and community service for at-risk children. These lessons are taught through its Earn-A-Bike and Ride programs and the children gain the tools for building positive accomplishments and relationships within their communities and their lives.
- The Earn-A-Bike Program provides the children with a chance to earn their own bike by completing a series of hands-on lessons in basic bike mechanics and bike safety, which also focuses on personal responsibility, achievement, and self-empowerment.
- The Ride Program coordinates bicycle rides in the Charlotte region for at-risk children involved in community-based organizations. Participation is usually a reward for good behavior and/or good grades. Each ride begins with a safety session to ensure everyone understands the "rules of the trails" and all aspects of operating their bike safely.

**CMPD Participation and Community Partnership**

- A Charlotte-Mecklenburg Police Officer established the Charlotte chapter of Trips for Kids.
- The CMPD partners with Trips for Kids and many CMPD officers donate their time. The department has donated bicycles, from time to time, to Trips for Kids for several years.
- North Carolina Police Departments are directly authorized by state statute (G.S. 15-12 (b)) to donate bicycles in their possession, which are unclaimed after 60 days, to 501(c) (3) charitable organizations. By law, CATS (and other City KBUs), may not make such donations unless so authorized by a resolution adopted by the City Council.

**The Resolution and Donation**

- The donated bicycles are designated to support the Trips for Kids-Charlotte programs, including the refurbishment and resale of some of the donated bicycles to generate funds to support the programs. The value of each unclaimed bike is estimated at \$50, which amounts to a projected annual value of \$2,500 for 50 bicycles.
- The bicycles may only be donated to organizations which pursue a public purpose, such as recreation, community service and bicycle safety, and must be used only for such purposes. Both CATS and Trips for Kids-Charlotte will be specifically bound by law to those requirements and will fully comply with them as required in the requested resolution.
- The Resolution will cover all future donations and authorizes CATS to donate bicycles only to Trips for Kids.
- Donations will occur monthly or as needed, based upon the numbers of bicycles that are unclaimed.

**Attachment 15**

Resolution

**30. Gold Rush Uptown Circulator Service**

- Action:**
- A. Authorize the City Manager to amend the Gold Rush Uptown Circulator Service Agreement with the Charlotte Center City Partners (CCCP) to set the CCCP annual contribution at \$325,000 effective for FY2009 and continuing for the life of the agreement, and**
  - B. Authorize the City Manager to negotiate and adjust the CCCP annual contribution amount from \$325,000 based upon actual service costs after FY2009.**

**Staff Resource:** Keith Parker, Transit**Policy**

Transportation Action Plan (Goals 3, 5 and Policy 2.3.3), Transportation Focus Area Initiative 5.

**Explanation**

- The Gold Rush is a fare-free service that has been popular and effective in opening uptown Charlotte to the public. The service has been highly modified over the years based upon demand, availability of other services, and available resources.

- In October 2002, the City and Charlotte Center City Partners (CCCP) entered into a 12 year agreement for the Gold Rush Uptown Circulator Services.
- Pursuant to the agreement, CCCP has contributed annually based upon the actual costs of the service.
- The annual obligation has varied over the years depending on the amount of service provided and the cost of providing that service. Operating expenses are based on budgeted service hours each fiscal year and split 50/50 between CATS and CCCP.
- Uptown employers subsidize the cost of the Gold Rush by annual contributions to CCCP, who then uses those contributions to meet its annual obligation under its agreement with the City.
- Over time, some Uptown employers have reduced their contributions to CCCP for the Gold Rush service for several reasons, including the recent economic downturn.
- Additionally, the amount of Gold Rush service hours have been reduced by CATS as part of the overall service cuts due to the same recent economic downturn. The effect has been that both the service costs and CCCP's available financial resources have declined.
- Through a reduction in service hours, CATS has reduced operating expenses by an estimated \$200,000 annually. As a result of the reduced service hours and CCCP's ability to pay, this amendment would reduce CCCP's estimated share for FY2009 from \$471,000 to \$325,000, resulting in a 70/30 split between CATS and CCCP. In FY2010 and subsequent years, the City Manager will negotiate expenses closer to a 50/50 split.
- Despite the fluctuation in service hours, ridership has increased from 1.27 million riders in FY04 to 1.50 million riders in FY2008.
- This amendment to the agreement will set CCCP's annual cost share obligation at a fixed amount of \$325,000. This action is recommended in recognition of the overall service reductions, other services now available, and the decline in Uptown employer donations to CCCP in support of the service.

### **31. Engineering Services Contract Amendment for Long Creek Regional Wastewater Treatment Plant Permitting**

**Action: Approve Amendment #2 with Black & Veatch International Company in the amount of \$238,500 for additional water quality modeling and environmental site assessment for the proposed Long Creek Regional Wastewater Treatment Plant.**

**Staff Resource:** Doug Bean, Utilities

#### **Explanation**

- In August of 2006, the City Manager approved a contract, in the amount of \$92,500, with Black & Veatch to perform a Feasibility and Preliminary Planning Study for the Long Creek Basin in Mecklenburg County and the Town of Mount Holly to evaluate regional treatment options.
- The study recommended the construction of a regional wastewater treatment plant (Long Creek WWTP), located in western Mecklenburg County, serving Mount Holly and the surrounding area.
- The North Carolina State Environmental Policy Act requires significant environmental studies be completed to the satisfaction of various state

regulatory agencies to ensure that the impacts to the environment in constructing a new treatment plant are minimized.

- In May of 2007, Council approved an agreement with Black & Veatch in the amount of \$723,340 to provide the professional services necessary to complete the environmental permitting documents associated with the proposed Long Creek WWTP. A draft of the environmental documents has been completed.
- In June of 2008, the City Manager approved Amendment #1 in the amount \$96,000 to cover the costs of additional water quality computer simulations for Lake Wylie and environmental field survey work required by state regulatory agencies as a part of the permitting process review. This work was completed and submitted to the regulatory agency.
- Amendment #2 will provide for the following services:
  - Additional environmental studies regarding the impacts of the new treatment plant on the projected phosphorus and nitrogen levels in Lake Wylie and the Catawba River, and
  - Groundwater and soil testing at the proposed plant site to determine if the site is suitable for the construction of a wastewater treatment plant.
- With Amendments #1 and #2, the total contract amount is now \$1,057,840.

#### **Small Business Opportunity**

Utilities is amending a contract. No SBE goal was set for this amendment because subcontracting opportunities are not anticipated (Part C Section 2.4 of the SBO Policy).

#### **Funding**

Utilities Capital Investment Plan

## **32. Emerald Point Water and Wastewater System Purchase**

**Action: Approve purchase of Emerald Point water and wastewater system from Carolina Water System for \$815,000.**

**Staff Resource:** Doug Bean, Utilities

#### **Explanation**

- The Emerald Point area, consisting of 74 single-family homes and 120 condominium units, near Rock Island Road on Lake Wylie, was annexed in 2005. The annexation policy for the City requires that Utilities provide the same level of service to all residents. Utilities completed the required water and wastewater system improvements in June 2007 by installing water and sewer trunks to the area.
- The Council-approved street main policy allows residents to request water and sewer lines to their homes.
- Since being annexed the residents have requested water and sewer service be provided by Charlotte Mecklenburg Utilities, which requires the purchase of the private system serving their developments from Carolina Water Services.
- The purchase of this system will provide the residents with better water quality, a much lower rate than they are currently paying Carolina Water Services, and no tap fees.

- If the City did not purchase this water system, a parallel water system would have to be constructed, which would cost significantly more and would cause a great deal of disruption to the neighborhood.
- Utilities has negotiated a three party agreement to purchase the Emerald Point water and wastewater system from Carolina Water Services for \$815,000. This purchase price is in line with other private systems purchased in the past. The purchase agreement is between Carolina Water Services, the Emerald Point Condominium Association (EPCA), and the City of Charlotte. The existing water treatment and wastewater treatment facilities are on the EPCA property and will be abandoned after the purchase is complete.

#### **Small Business Opportunity**

Contracts entered into without a competitive bidding process are considered exempt contracts (Appendix Section 23.2 of the SBO Policy.)

#### **Funding**

Utilities Capital Investment Plan

### **33. Alternative Fuel Demonstration Project Grant for Irwin Creek Wastewater Treatment Plant**

**Action: Approve a grant application to the Department of Energy (DOE) for a demonstration project to produce compressed natural gas for vehicle use from methane gas at the Irwin Creek Wastewater Treatment Plant (WWTP).**

**Staff Resource:** Doug Bean, Utilities

#### **Explanation**

- The US Department of Energy (DOE) is soliciting proposals to construct demonstration scale facilities to produce alternative fuels for motor vehicles. This grant is not a stimulus funding opportunity.
- The DOE defines a demonstration project as a project that uses innovative technology, or established technology in innovative ways, to provide data and information to prove the functionality, economics, practicality, operability and future economic viability of a concept or idea.
- This demonstration project will determine if excess methane gas produced at the Irwin Creek WWTP can be converted to compressed natural gas for fueling fleet vehicles. Currently, some of the methane produced at the plant is used in boilers for part of the treatment processes and the excess is burned off to the atmosphere. The excess methane gas is flared into the atmosphere and does not affect air quality.
- The demonstration project would also include a grease receiving station to receive grease waste that would help to increase methane production above the existing amount. Grease waste is a significant issue in the collection system, contributing to over 50% of sanitary sewer overflows. A grease receiving station would offer an additional option to grease haulers for disposal.
- The grant proposal would be a collaboration of both public and private partners including UNCC, Centralina Council of Governments, and other City Departments.
- DOE Grants are available for demonstration projects of this kind at the estimated project cost of \$12 million. The grant requires a 20% local, in-

kind match, which Utilities will cover through existing resources such as staff time, existing related projects, and the use of existing plant facilities. No additional capital funding is needed.

- The proposals for the DOE grant are due on May 29, 2009 with award expected in October 2009.

### **34. Engineering Services for Robinson Church Road Farm-to-Market**

**Action: Approve a contract amendment in the amount of \$547,000 with US Infrastructure of Carolina, Inc. (USI) for the design of the Robinson Church Road Farm-to-Market Project.**

**Staff Resources:** Jim Keenan, Engineering & Property Management  
Todd Thorne, Engineering & Property Management

#### **Explanation**

- Farm-to-Market roads are identified in the Transportation Action Plan and are generally deficient in their ability to adequately serve the rapidly developing urban land uses surrounding them.
- The Robinson Church Road Farm-to-Market project will upgrade Robinson Church Road, from East W.T. Harris Boulevard to Hood Road, to urban street standards to improve safety and traffic flow. Improvements may include additional lanes, sidewalks, bicycle lanes and landscaping.
- Planning on this project will be completed in May 2009 under a contract in the amount of \$273,298 approved by Council in March 2008.
- This amendment will provide funding for USI to complete the design phase. The total contract amount including this amendment is \$820,289 and is available within the project budget.
- Right of way acquisition and construction funding for this project is proposed to be included in future transportation bonds.
- USI was selected pursuant to a Council approved, qualifications-based selection process performed in accordance with NC General Statutes.

#### **Small Business Opportunity**

All additional work involved in this amendment will be performed by the current consultant, US Infrastructure of Carolina, Inc., and their existing subconsultants (Part D: Section 6 of the SBO Policy). USI committed 6.03% (\$32,963) of this amendment amount to the following SBE firms: Carolina Wetland Services, Joel E. Wood & Associates, On Target Utility Locator Services and Richa Graphics.

#### **Funding**

Transportation Capital Investment Plan

## 35. Elizabeth Avenue Business Corridor Change Order

**Action: Approve Change Order #1 with United Construction Company in the amount of \$604,245.90 for the Elizabeth Avenue Business Corridor Project.**

**Staff Resources:** Tim Greene, Engineering & Property Management  
Tom Russell, Engineering & Property Management

### Explanation

- The Elizabeth Avenue Business Corridor project is a joint venture between the City of Charlotte, Central Piedmont Community College and Grubb Properties to upgrade the street infrastructure and utilities. The project will facilitate future development and minimize construction impacts.
- The project is constructing various improvements to Elizabeth Avenue from Kings Drive to Hawthorne Lane, including streetcar tracks, overhead catenary poles, planting strips, street trees, irrigation, sidewalks, decorative street lighting, crosswalks, on-street parking, bike lanes, underground utilities, waterline/sewer line upgrades, new signal mast arms and storm drainage.
- Change Order #1 primarily provides funds for work not identified until excavation, such as removal and replacement of unstable soil and removal of original trolley tracks from the 1800s. Also, included is additional temporary street lighting and signage to assist patrons of the local businesses.
- Council approved the original construction contract in November 2007 for \$8,988,053.03.
- The total contract amount to date including this change order will be \$9,592,298.93 and is still within the project budget estimate of \$14.5 million. The contractor may be due additional time for the contract due to these changes.
- Construction is scheduled to be completed by third quarter of 2009.

### Disadvantaged Business Enterprise

Per the municipal agreement with NCDOT, the federal Disadvantaged Business Enterprise (DBE) Program must be followed. All additional work involved in this change order will be performed by United Construction and their existing subcontractors.

### Funding

Transportation Capital Investment Plan

### 36. Baxter Street Bridge Relocation Change Order

**Action: Approve Change Order #2 with Sloan Construction Company in the amount of \$213,344.90 to add additional scope of work to the contract related to drainage beneath Kenilworth Avenue.**

**Staff Resource:** Sam Barber, Engineering & Property Management

#### Explanation

- Sloan Construction Company is completing construction of a new bridge over Little Sugar Creek immediately south of the Metropolitan mixed-use project. The new bridge connecting Kings Drive and Kenilworth Avenue replaces the Baxter Street bridge.
- A related project in the FY2009 Capital Investment Plan provides a left turn lane from Kenilworth onto the new bridge, and replaces an existing drainage culvert beneath Kenilworth.
- Change Order #2 adds the culvert work to the Sloan Construction contract as a way to accelerate the left turn project and minimize the overall duration of construction and traffic disruption.
- While the culvert work is underway, the widening of Kenilworth to install the left turn lane will be bid, allowing that work to follow the culvert replacement.

#### Change Order History

- The original contract was awarded in May 2008 for \$1,935,902.27.
- Change Order #1 in the amount of \$90,791 was approved by the City Manager in November 2008 for drilling pier shafts for bridge foundations due to rock being encountered where the piers were originally proposed.
- The total contract amount to date including Change Orders #1 and #2 will be \$2,240,038.10 and is still within the project budget estimate of \$3 million.

#### Small Business Opportunity

All additional work involved in this change order will be performed by the current contractor, Sloan Construction Company, and their existing subcontractors (Part D Section 6 of the SBO Program).

#### Funding

Transportation Capital Investment Plan

### 37. Engineering Services for Brevard Street Improvements

**Action: Approve a contract in the amount of \$510,000 with Kimley-Horn and Associates, Inc. for engineering services for Brevard Street Improvements.**

**Staff Resource:** Kruti Desai, Engineering & Property Management

#### Explanation

- The Center City Transportation Plan approved by the City Council in 2006 provides for converting Brevard Street to two-way traffic.
- The project, between Martin Luther King Jr. Boulevard and Trade Street, will provide for construction of 14-foot-wide sidewalks, planting strips with

tree wells, retaining walls, parallel parking, curb and gutter, pedestrian lighting and signal mast arms.

- This contract will advance the design of the street improvements in order to be prepared for collaboration with future land development activity in the corridor. Initial construction of improvements is anticipated to begin in third quarter 2011.
- This project will be based on the "Memorable Streets – Brevard Street Connectivity Study" approved by Council in March 2008 to create an active, pedestrian-friendly street by providing wider sidewalks, varied architecture at the street, areas for outdoor dining and plazas/open spaces.
- Kimley-Horn was selected pursuant to a Council approved, qualifications-based selection process performed in accordance with NC General Statutes.

#### **Small Business Opportunity**

For service based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of SBO Policy). Kimley-Horn and Associates committed 12.19% (\$62,180) of the total contract amount to the following SBE firms: Hinde Engineering, Boyle Consulting Engineers, PLLC, Mitchell Consulting, Inc. and On Target Utility Locate Services, Inc.

#### **Funding**

Transportation Capital Investment Plan

### **38. Engineering Services for Stonewall Street Improvements**

**Action: Approve a contract in the amount of \$290,000 with Post, Buckley, Schuh & Jernigan, Inc., (PBS&J) for the Stonewall Street Improvements.**

**Staff Resource:** Kruti Desai, Engineering & Property Management

#### **Explanation**

- The Center City Transportation Plan adopted by the City Council in 2006 provides for improving the streetscape along Stonewall Street.
- The project from Davidson Street to McDowell Street will include construction of sidewalks, planting strips, bike lanes, retaining walls and curb and gutter, and will connect similar improvements made recently east of McDowell Street and west of Davidson Street.
- This project will be based on the "Second Ward Neighborhood Master Plan" providing safe and efficient pedestrian and bicycle routes between Uptown and Midtown.
- Construction is anticipated to begin in third quarter 2011.
- PBS&J was selected pursuant to a Council approved, qualifications-based selection process performed in accordance with NC General Statutes.

#### **Small Business Opportunity**

For service based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of SBO Policy). Post, Buckley, Schuh & Jernigan, Inc., (PBS&J) committed 4.02% (\$11,650) of the total contract amount to the following SBE firms: Capstone Civil Group, PA and Carolina Wetland Services.

**Funding**

Transportation Capital Investment Plan

**39. Engineering Services for Johnson and Wales Way/4<sup>th</sup> Street/Tuckaseegee Road**

**Action: Approve a contract amendment in the amount of \$524,565 with Gannett Fleming, Inc. for the full design of the Johnson and Wales Way/4<sup>th</sup> Street/Tuckaseegee Road Project.**

**Staff Resource:** Jim Keenan, Engineering & Property Management

**Explanation**

- Planning on this project was completed in March 2009 under a contract in the amount of \$274,000 approved by City Council in November 2007.
- This amendment will provide funding for Gannett Fleming to continue with the design phase. The total contract amount including this amendment is \$798,565 and is available within the project budget.
- Gannett Fleming was selected pursuant to a Council-approved qualifications-based selection process performed in accordance with NC General Statutes.
- The Center City Transportation Plan (CCTP) adopted by Council in April 2006 and the Johnson and Wales University Small Area Study (June 2006) both recommend addressing vehicular speeds and pedestrian safety on Johnson and Wales Way at the intersections of Trade and 4<sup>th</sup> Street.
- The Johnson and Wales University Small Area Study also recommends traffic calming measures for the 4<sup>th</sup> Street.
- The CCTP recommends improved pedestrian and bicycle connectivity between Center City and neighborhoods outside the I-77/I-277 beltline.
- This project combines these recommended improvements into one contiguous project, including Johnson and Wales Way, 4<sup>th</sup> Street and Tuckaseegee Road, to create better connections to neighborhoods on the west side of Center City.

**Small Business Opportunity**

All additional work involved in this amendment will be performed by the current Consultant, Gannett Fleming, Inc., and their existing sub-consultants (Part D: Section 6 of the SBO Policy). Gannett Fleming, Inc. committed 1.71% (\$9,000) of this amendment to the following SBE firm: Capstone Civil Group, PA. Typical SBE tasks for design phase projects, such as utility relocation, landscape design and survey, are now performed in-house, but may be subcontracted as needed. Gannett Fleming, Inc. listed in their proposal the following SBEs as supporting team members: On Target Utility Locate Services, Inc., Regenbogen Associates, Habitat Assessment & Restoration Program, Inc., Kineta Corporation and Uprocon Inspection Service, Inc.

**Funding**

Transportation Capital Investment Plan

## 40. First Amendment to Land Lease at Shopton Road

**Action:**   **A. Adopt a resolution authorizing the first amendment to Site Lease Agreement with Global Signal Acquisitions, LLC adding five additional five year extensions to the current lease, and**

**B. Authorize the City Manager to execute this first amendment and accompanying Memorandum of Lease.**

**Staff Resource:**   Lynnea Pulver, Engineering & Property Management

### Explanation

- The City of Charlotte (owner) and Global Signal Acquisitions, LLC (tenant) entered into a land lease on May 20, 1997 for the construction of a communications tower. The property is located at 1750 Shopton Road.
- The initial lease has a base term of five years with three additional five year renewals (termination date of May 19, 2017). The lease is currently in its second renewal term.
- The initial lease requires base monthly rent of \$800.00 with 5% escalation per year plus 50% of rent paid per sub-lessee per month. Global is currently paying \$1,368.27 per month with \$1,344.21 in sub-lessee rent per month, totaling \$2,712.47.
- In order to attract new tenants, Global Signal requested an additional five, five year renewals (termination date of May 19, 2042).
- Approval of the amendment will bring additional revenues to the City at no additional cost to the City.
- The City's leases with communications partners result in approximately \$632,000 in revenue annually.

### Attachment 16

Resolution

## 41. Lease of City-owned Property to Mecklenburg County

**Action:**   **Authorize the City Manager to execute the lease for a portion of City-owned land to Mecklenburg County for Park and Recreational use.**

**Staff Resources:**   Jeff Reid, Engineering & Property Management  
Lynnea Pulver, Engineering & Property Management

### Explanation

- The City of Charlotte owns two adjacent parcels located at 910 N. Alexander Street (parcel ID# 081-086-07, 3.65 acres) and 932 N. Alexander Street (parcel ID# 081-086-01, 3.19 acres). Mecklenburg County is in the process of developing park and recreational facilities on their property adjacent to this City parcel.
- The County's parcel is not large enough to fully accommodate a soccer field and running track, therefore they have requested the lease of approximately 0.65 acres total, with permission to construct a portion of the soccer field and running track on the property.
- CATS will use the remainder of the City's property to expand their operations facilities. City Real Estate, Mecklenburg County and CATS have worked closely to meet the needs of both CATS and the County.

- The area to be leased to the County is located in the regulated floodplain of Little Sugar Creek and therefore cannot be built upon.
- The proposed lease has a term of 49 years with five, 10 year extension terms and a one-time rent payment of \$1.
- This proposed transaction has been through the Mandatory Referral process with staff supporting the proposed use.

### **Attachment 17**

Maps

## **42. Lease Agreement Extension and Purchase Option Agreement for the Jonas Federal Courthouse**

**Action:**   **A. Approve the extension of the lease between the General Services Administration (GSA) as Tenant and City of Charlotte as Landlord of the Jonas Federal Courthouse through December 14, 2014, and**

**B. Approve the extension of the option term and benchmark dates of the Queens University Option to Purchase Agreement through December 14, 2014.**

**Staff Resource:**   Jeff Reid, Engineering & Property Management

### **Explanation**

- As a result of a 2004 land swap, the City took ownership of the Jonas Federal Courthouse, located at 401 West Trade Street; and General Services Administration (GSA) took ownership of a parcel at 501 East Trade Street for a future courthouse site (where a surface parking lot exists - see background below). The land swap resulted in the GSA leasing the Jonas Federal Courthouse from the City for \$1,014,550 annually.
- The City manages the parking lot on East Trade Street and credits GSA's rent for revenues collected from the parking lot.
- The current Lease between the City of Charlotte and the GSA expires on December 14, 2009.
- Federal funding for the design of a new federal courthouse on the parking lot site may not be available until 2010 or later, with construction funds lagging at least one year behind that funding.
- The terms of the lease extension include rent increases of 3% in 2010 and 2013.
- GSA pays all operating and maintenance costs of the building as well as capital improvements necessary to make the building functional for the occupants.
- Queens University has an option to purchase the Courthouse property from the City for a term ending when the GSA lease terminates.

### **Background**

- The City purchased the parking lot at 501 East Trade Street in 2001 for \$10,675,000 in order to preserve the site for a new federal courthouse.
- In 2004, the federal government issued a moratorium on construction of federal courthouses which superseded the previous funding of the project. Ancillary to the moratorium, the federal government prioritized pending projects, giving those not requiring the purchase of land a higher priority.

- In 2004, GSA proposed and the City agreed to swap the parking lot for the Jonas Federal Courthouse, which appraised for \$10,700,000. This transaction improved Charlotte's priority for construction of a new federal courthouse.
- Upon GSA's ultimate vacancy of the Jonas Federal Courthouse, the intent is to sell the property to Queens University to allow them to establish a Center City presence.

### **Attachment 18**

Map

## **43. Privilege License Ordinance Amendment**

**Action: Adopt a technical amendment to Section 13-76 of City Code regarding the privilege license tax for building contractors.**

**Staff Resource:** Mujeeb Shah-Khan, City Attorney's Office

### **Explanation**

- This technical amendment removes an ambiguity in the privilege license tax on building contractors.

### **Attachment 19**

Ordinance

## **44. Northlake Mall Infrastructure Condemnation Settlement Additional Compensation**

**Action: Approve final legal settlement of \$715,750 in the condemnation case captioned City of Charlotte v John B. Young and wife, 07 CVS 8164, Mecklenburg County Superior Court.**

**Staff Resources:** DeWitt McCarley, City Attorney's Office  
Catherine Williamson, City Attorney's Office

### **Explanation**

- This condemnation case acquired 1.05 acres of fee simple, 0.059 acres of permanent drainage easement, 0.235 acres of permanent slope easement, and 0.425 acres of temporary construction easement from a 4.73 acre vacant property located at the corner of Reames Road and West W.T. Harris Boulevard.
- Council authorized condemnation for the construction of road infrastructure improvements related to the development of Northlake Mall in the appraised amount of \$145,100.
- After construction was complete, the City's appraisal was first revised to \$164,750 and later revised to \$214,600.
- The case proceeded to court-ordered mediation where the property owner presented his opinion that he had suffered total damages in excess of \$1.5 million.
- The case did not settle at mediation and thereafter the owner obtained an appraisal of damages in the amount of \$630,000. The significant difference between the City's and the owner's appraisals was that the

City's appraiser determined the property's highest and best use to be multi-family residential, while the owner's appraiser found it to be commercial.

- The property owner exercised his right to request a Commissioner's Hearing before the Clerk of Court, where a panel of three certified appraisers heard evidence from the City's and owner's appraisers and returned a decision that the owner should be awarded \$637,600 for the taking, plus interest.
- With a trial date in mid-May, the City appealed the Commissioners' ruling, and negotiations continued, finally resulting in a settlement for the total amount of \$715,750.
- The settlement amount is \$550,000 over the \$165,750 previously deposited with the court, and is \$78,150 more than the Commissioners' award which was \$637,600.
- In addition to being a good compromise of the City's risk, the settlement saves over \$100,000 in interest which would be owed either on a jury verdict or on the Commissioners' award. It also avoids the payment of approximately \$25,000 in court costs, which would be owed on a jury verdict.

#### **Funding**

- Faison Capital Development, LLC, as developer of Northlake Mall, will fund this settlement pursuant to a contract with the City dated October 28, 2003.

## **45. Property Transactions**

**Action: Approve the following property transaction(s) (A-B) and adopt the condemnation resolution(s) (C-F).**

NOTE: Condemnation Resolutions are on file in the City Clerk's Office.

#### **Acquisitions**

- A. Project:** Freedom Drive Widening, Parcel # 329  
**Owner(s):** Marcelino Nava Cienfuegos And Fernanda Loreto Carrillo  
**Property Address:** 4228 Freedom Drive  
**Property to be acquired:** 872 sq. ft. (.020 ac.) in Fee Simple, plus 1,304 sq. ft. (.030 ac.) in Sidewalk and Utility Easement, plus 42 sq. ft. (.001 ac.) in Utility Easement, plus 2,804 sq. ft. (.064 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$11,900  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 063-091-29  
**Total Parcel Tax Value:** \$64,300

- B. Project:** US 29/NC 49- University City Boulevard Phase I and Phase 2-North Tryon Widening, Parcel # 26  
**Owner(s):** Marsha C. Cole, Trustee Of The Patricia B. Davis Irrevocable Trust  
**Property Address:** 6801 North Tryon Street  
**Property to be acquired:** 1,813 sq. ft. (.042 ac.) in Fee Simple, plus 5,842 sq. ft. (.134 ac.) in Storm Drainage Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$26,650  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 089-254-19  
**Total Parcel Tax Value:** \$453,200

### Condemnations

- C. Project:** Thomasboro-Hoskins Neighborhood Improvement Project Ph 3, Parcel # 6  
**Owner(s):** Darron Kent Martin And Wife, Vera Ann Story Martin And Any Other Parties Of Interest  
**Property Address:** 904 Key Street  
**Property to be acquired:** Total Combined Area of 690 sq. ft. (.016 ac.) of Storm Drainage Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$350  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 063-033-04  
**Total Parcel Tax Value:** \$42,400
- D. Project:** Thomasboro-Hoskins Neighborhood Improvement Project Ph 3, Parcel # 175  
**Owner(s):** Sonya & Sophia Enterprise, LLC And Any Other Parties Of Interest  
**Property Address:** 4108 Glenwood Drive  
**Property to be acquired:** Total Combined Area of 5,725 sq. ft. (.131 ac.) of Fee Simple, plus Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$2,550  
**Remarks:** Compensation was established by an independent, certified appraisal and a review appraisal. City staff is recommending condemnation in order to obtain clear title.  
**Zoned:** O-2  
**Use:** Office

**Tax Code:** 065-103-01  
**Total Parcel Tax Value:** \$76,300

- E. Project:** Thomasboro-Hoskins NIP Ph 3, Parcel # 209,  
**Owner(s):** Shenova Hill And Any Other Parties Of Interest  
**Property Address:** 4100 Joyceton Street  
**Property to be acquired:** Total Combined Area of 3,615 sq. ft. (.083 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$850  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 065-102-22  
**Total Parcel Tax Value:** \$8,500
- F. Project:** US 29/NC 49- University City Boulevard Phase I and Phase 2-North Tryon Widening, Parcel # 60  
**Owner(s):** Donald Wilson Killian And Wife, Deborah B. Killian And Any Other Parties Of Interest  
**Property Address:** 7649 North Tryon Street  
**Property to be acquired:** Total Combined Area of 10,364 sq. ft. (.238 ac.) of Fee Simple, plus Storm Drainage Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$31,975  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** I-1  
**Use:** Commercial  
**Tax Code:** 047-221-25  
**Total Parcel Tax Value:** \$584,700

## 46. Meeting Minutes

**Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:

- March 23, 2009
- March 25, 2009